

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CELESTE ELIZABETH HOWEY,  
Plaintiff,

VS.

CENDERA FUNDING  
CORPORATION, et al.,  
Defendants.

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CIVIL NO. 4:22-CV-747-P

**ORDER RECOMMENDING DISMISSAL**  
**OF CLAIMS AGAINST DEFENDANT CENDERA FUNDING CORPORATION**

*Pro se* Plaintiff Celeste Elizabeth Howey filed the above-styled and numbered cause of action on August 25, 2022, against Cendera Funding Corporation (“Cendera”) and Truist Bank. On September 14, 2022, summons returned unexecuted as to Cendera [doc. 13]. As of the date of these findings, there is no service on record for Cendera. Consequently, the Court **RECOMMENDS** that claims against Cendera in the above-styled and numbered cause be **DISMISSED** pursuant to Federal Rule of Civil Procedure 4(m).<sup>1</sup>

**NOTICE OF RIGHT TO OBJECT TO PROPOSED**  
**FINDINGS, CONCLUSIONS AND RECOMMENDATION**  
**AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge’s proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de*

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<sup>1</sup> “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m).

*novο* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

**ORDER**

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted **until December 20, 2022**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED December 6, 2022.

  
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JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE